



Telecom Notice of Consultation CRTC 2009-429

Ottawa, 20 July 2009

Notice of hearing

23 September 2009
Gatineau, Quebec

Proceeding to consider the compliance of Globalive with the ownership and control regime

File number: 8657-C12-200910316

In this notice of consultation, the Commission initiates a Type 4 review of Globalive's ownership and control, in order to determine its compliance with section 16 of the Telecommunications Act.

1. On 22 December 2008, Commission staff issued a letter to all the companies whose bids were accepted in the Advanced Wireless Services spectrum auction but who were not yet operating as a common carrier. The letter is available on the Commission's website at www.crtc.gc.ca. In that letter, Commission staff indicated that the Commission was prepared to review the ownership of these companies prior to their commencing operations, in order to ensure that the companies met the requirements of section 16 of the *Telecommunications Act* (the Act). In response to that letter, Globalive Wireless Management Corporation (Globalive) submitted relevant documentation to the Commission in order that the Commission may initiate such a review.
2. In *Canadian ownership and control review policy*, Telecom Regulatory Policy CRTC 2009-428, 20 July 2009, the Commission determined that ownership and control reviews are to be conducted pursuant to a new framework that sets out the criteria for such reviews. The Commission further determined that the type of review conducted would depend on the nature of the corporate structure under review. The Commission determined that a Type 4 review would be conducted where an ownership and governance structure is of a complex or novel nature, such that in the Commission's view its determination would hold precedential value to industry players and the general public, where the Commission considers that the evidentiary record would be improved by third-party submissions, and where the Commission further considers that the appearance of parties would more easily allow the Commission to complete and test the evidentiary record.
3. The Commission considers that Globalive's corporate structure meets the criteria for a Type 4 review. Specifically, the Commission considers that given the complexity of Globalive's corporate structure and financing arrangements, the determination with respect to its compliance with section 16 of the Act would contain valuable precedents concerning the Commission's understanding of eligibility under that section. Moreover, the Commission

considers the evidentiary record would be improved by third-party submissions and that the appearance of third parties will assist the Commission in its completion and examination of the evidentiary record.

Procedure

4. Globalive is made a party to this proceeding, and is called to a public hearing to be held in Gatineau beginning on **23 September 2009** at 9:00 a.m, to conclude on **24 September 2009**.
5. On a preliminary basis, it has been determined that all the above-mentioned documentary evidence submitted to the Commission by Globalive will form part of the record of this proceeding. To the extent that Globalive seeks confidentiality over any of its documentary evidence, it is to file detailed reasons in support of such a claim by **27 July 2009**.
6. Should a claim for confidentiality be received from Globalive, a determination will be made with respect to that claim and Globalive's documentary evidence, less any material over which confidentiality is granted, will be added to the public record by **6 August 2009**.
7. Parties interested in participating in this proceeding must notify the Commission of their intention to do so by completing the online form; or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2; or by faxing to: 819-994-0218 by **10 August 2009** (the registration date). Any party that wishes to appear at the oral phase of the hearing must provide reasons why its written comments are not sufficient and why an appearance is necessary. Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
8. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
9. All parties may file with the Commission, serving copies on all other parties, comments with regard to the above-noted issues by **21 August 2009**.
10. Globalive may file with the Commission, serving copies on all other parties, reply comments by **26 August 2009**.
11. The Commission will invite parties other than Globalive to participate in the oral phase of the public hearing by no later than **10 September 2009**, with notice served to Globalive.
12. The Commission intends to conduct a portion of the oral phase of the public hearing *in camera*. Abridged transcripts of the *in camera* sessions will be placed on the public record as soon as practical following the session.
13. The Commission expects to issue a decision on the issues raised in this notice of consultation within 120 days after the date of the hearing.

14. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
15. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
16. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
17. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
18. Each paragraph of all submissions should be numbered. In addition, the line ***End of document*** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
19. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

Important notice

20. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
21. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
22. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
23. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

Location of CRTC offices

24. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours.

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Secretary General

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